

**MESSAGE**

FROM THE

**PRESIDENT OF THE UNITED STATES,**

TRANSMITTING,

(In pursuance of a resolution of the House of Representatives, of the 4th ultimo,)

**INFORMATION ON THE SUBJECT**

OF THE

**AFRICAN SLAVE TRADE.**

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**JANUARY 5, 1821.**

Referred to the Committee to which is referred so much of the President's message  
as relates to the Slave Trade.

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**WASHINGTON:**

**PRINTED BY GALES & SEATON.**

**1821.**

1861

MISSISSIPPI

1861

PRESIDENT OF THE UNITED STATES

1861

RECOMMENDATION BY THE SENATE

1861

APPROPRIATE STATE TREASURY

1861

REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE  
IN RESPONSE TO A RESOLUTION OF THE SENATE

WASHINGTON

PRINTED BY THE SENATE

1861

**MESSAGE.**

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I communicate to the House of Representatives a report from the Secretary of State, which, with the papers accompanying it, contains all the information in possession of the Executive, requested by a resolution of the House, of the 4th of December, on the subject of the African slave trade.

**JAMES MONROE.**

*Washington, 4th January, 1821.*

## MESSAGE

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JAMES MONROE.

Washington, 16 January, 1801.



## DEPARTMENT OF STATE,

*January 4th, 1821.*

The Secretary of State, to whom has been referred the resolution of the House of Representatives, of the 4th ult. requesting the communication to that house of any correspondence that the President does not deem it inexpedient to disclose, which may have existed between the Executive of the United States, and the government of any of the maritime powers of Europe, in relation to the African slave trade, has the honor of submitting copies of the papers requested by the resolution. With the exception of a note from the late Spanish minister Onis, communicating a copy of the treaty between Spain and Great Britain, on this subject, the only government of Europe with whom there has been such correspondence is that of Great Britain; and these papers contain all that has passed between them on the subject, in writing. Since the arrival of Mr. Canning, various informal conferences between him and the Secretary of State have been held, in which the proposals, on the part of Great Britain, have been fully discussed, without effecting a removal of the objections upon which the President had, in the first instance, found himself under the necessity of declining them. They have not yet terminated, nor have any written communications passed on the subject, with the exception of the note from Mr. Canning, and the answer to it, herewith submitted, both of a date subsequent to that of the resolution of the House.

JOHN QUINCY ADAMS.

## LIST OF PAPERS.

Mr. Onis to the Secretary of State,	May 14, 1818.	Translation.
Mr. Rush to the same, - - -	Feb. 18, do.	Extract.
Same to the same - - -	April 15, do.	do.
Same to the same, - - -	June 24, do.	do.
Lord Castlereagh to Mr. Rush,	June 20, do.	Copy.
Mr. Rush to Lord Castlereagh,	June 23, do.	do.
Secretary of State to Messrs. Gallatin and Rush - - -	Nov. 2, do.	Extract.
Mr. Rush to Lord Castlereagh,	Dec. 21, do.	Copy.
Same to the Secretary of State,	March 5, 1819.	Extract.
Same to Same, - - -	Nov. 10, do.	do.
Mr. Canning to the Secretary of State,	Dec. 20, 1820.	Copy.
The Secretary of State to Mr. Canning	Dec. 30, do.	do.

## [TRANSLATION.]

*Don Luis de Onís to the Secretary of State.*

**SIR:** The introduction of negro slaves into America was one of the earliest measures adopted by the august ancestors of the king, my master, for the improvement and prosperity of those vast dominions, very shortly after their discovery. The total inaptitude of the Indians to various useful, but painful labors, the result of their ignorance of all the conveniences of life, and the imperfect progress in civil society, made it necessary to have recourse to strong and active laborers for breaking up and cultivating the earth. With the double view of stimulating them to active exertion, and of promoting the population of those countries, a measure was resorted to by Spain, which, although repugnant to her feelings, is not to be considered as having originated the system of slavery, but as having materially alleviated the evils of that which already existed, in consequence of a barbarous practice of the Africans, upon saving the lives of a considerable portion of the captives in war, whom they formerly put to death. By the introduction of this system, the negroes, far from suffering additional evils, or being subjected, while in a state of slavery, to a more painful life than when possessed of freedom in their own country, obtained the inestimable advantage of a knowledge of the true God, and of all the benefits attendant on civilization.

The benevolent feelings of the sovereigns of Spain did not, however, at any time permit their subjects to carry on this trade but by special license; and in the years 1789, 1798, and on the 22d of April, 1804, certain limited periods were fixed for the importation of slaves. Although the last term had not expired when his majesty our lord Don Ferdinand the Seventh was restored to the throne, of which a perfidious usurper had attempted to deprive him; his majesty, on resuming the reins of government, soon perceived that those remote countries had become a prey to civil feuds; and in reflecting on the most effectual means of restoring order, and affording them all the encouragement of which they are susceptible, his majesty discovered that the numbers of the native and free negroes had prodigiously increased under the mild regimen of the government, and the humane treatment of the Spanish slave owners—that the white population had also greatly increased; that the climate is not so noxious to them as it was before the lands were cleared; and, finally, that the advantages resulting to the inhabitants of Africa in being transported to cultivated countries are no longer so decided and exclusive, since England and the United States have engaged in the noble undertaking of civilizing them in their native country.

All these considerations combining with the desire entertained by H. M. of co-operating with the powers of Europe in putting an end to this traffic, which, if indefinitely continued, might involve them

all in the most serious evils, have determined H. M. to conclude a treaty with the king of the united kingdom of Great Britain and Ireland, by which the abolition of the slave trade is stipulated and agreed on, under certain regulations, and I have received his commands to deliver to the President a copy of the same, his majesty feeling confident that a measure so completely in harmony with the sentiments of this government, and of all the inhabitants of this republic, cannot fail to be agreeable to him.

In the discharge of this satisfactory duty, I now transmit you the aforesaid copy of the treaty, which I request you will be pleased to lay before the President, and I have the honor to renew the assurances of my distinguished respect.

God preserve you many years!

LUIS DE ONIS.

*Washington, 14th May, 1818.*

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*Extract of a letter from Mr. Rush to the Secretary of State, dated*

FEBRUARY 18, 1818.

“You will probably have perceived, by the proceedings in the House of Commons, that treaties have been formed between this government and both Spain and Portugal, securing, as far as may be done by treaty, the final abolition, after a specified time, not very remote, of the slave trade. Thus is a last hand to be put to the work of America, whose legislators led the way with Europe against them in this transcendent moral reform. But it is a triumph, which as little the courts as the public of Europe seem willing, in any shape, to acknowledge. The palm is claimed by others. America is even placed in fault. In his speech on the Spanish treaty, delivered in the House of Commons, on the 8th instant, Lord Castlereagh observed, that it was in vain for Britain, alone, to shut the door of her colonies against the slave trade; for that, unless there was a concert of exclusion, the other islands of the West Indies “and the southern provinces of the United States would become the asylum and depot of it.” I gladly caught the opportunity of this accidental meeting\* to say what could not have been otherwise than acceptable to the zeal for abolition. I stated the nature of our laws. I said, I felt sure that he would hear from me with pleasure that it was upwards of nine years since the traffic had been abolished throughout the Union; and that, so far had our acts of Congress carried the prohibition, that to import even a single slave into any of the states had, during the same period, been denounced as an offence, and subjected

\* With Lord Castlereagh.



to unusually rigorous penalties of fine and imprisonment. His lordship admitted the prohibitions, but intimated fears lest we could not enforce them, alluding to the recent state of things at Amelia. In the end, he invited me to look into all their conventions with other powers upon this subject, with a view to future conversation, adding, that he was well disposed himself to a proper concert of action between our two governments for the more effectual extirpation of the traffic.

"I shall look into the conventions accordingly, and wait the renewal of the topic. Whether policy would dictate any concert, is a point upon which, not being instructed, I will not presume to give any opinion. But I hope I do not misjudge in thinking that, for the present, I am merely bound to listen to, without seeking, any further conversation. I will take care punctually to communicate, for the President's information, whatever may be said to me, in like manner as my duty devolves it upon me to transmit this first sentiment so cursorily thrown out by Lord Castlereagh. It will be understood, that, in adverting to our municipal prohibitions, I intended no advance to the point of national co-operation. It was barely for the sake of an incidental and gratuitous vindication, after a public remark, which, to say no more, was susceptible of unjust interpretations. On his allusion to Amelia Island, I reminded him that it was the very anxiety to prevent the illicit introduction of slaves that had formed a ruling motive with the President for breaking up, with the public force itself, the establishment at that place."

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*Extract of a letter from Mr. Rush to the Secretary of State.*

APRIL 15, 1818.

"He (Lord Castlereagh) next spoke of the slave trade. The government of Great Britain felt, he said, an increasing desire that the government of the United States should lend itself to the measures of regulation going forward in Europe for its complete extirpation. These measures mean, in effect, a reciprocal submission to the right of search. He explained, by saying, that only to a limited number of the armed vessels of each of the maritime states would a power to search be deputed, while the exercise of it would be strictly forbidden to all others. It was contemplated, he continued, to form, out of an association of these armed vessels, a species of naval police, to be stationed chiefly in the African seas, and from whose harmonious and co-operating efforts the best results were anticipated. He added, that no peculiar structure or previous appearances in the vessel searched, no presence of irons, or other presumptions of criminal intention, nothing but the actual finding of slaves on board, was



ever to authorize a seizure or detention. He said that they had lately pressed France upon the subject, and that there was no doubt of her eventual agreement. The recent vote in both her chambers, on the broad principle of abolition, he regarded as a full pledge of her ulterior steps.

"I replied, that I was sure that the President would listen with an ear the most liberal to whatever distinct proposals were made, more especially as the United States had been long awake, as well to the moral guilt as to the political and social evils of the traffic, and had, as was known, aimed against it the denunciations of their own laws. The distinct propositions, his lordship gave me reason to think, would be made known, before long, through Mr. Bagot."

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*Extract of a letter from Mr. Rush to Mr. Adams, dated*

LONDON, June 24, 1818.

"In two former despatches I have mentioned what lord Castlereagh has said to me relative to the slave trade. In my interview with him on the eleventh of this month, he spoke of it in a manner more formal and definitive."

"He first alluded to the late treaties concluded between Great Britain and several of the powers of Europe upon this subject. Entering into conversation upon their particular nature and provisions, he said that the period had arrived when it was the wish of the British government to invite the government of the United States to join in the measures which Europe was so generally adopting for the more perfect abolition of this traffic, and that it was now his design to submit through me proposals to this effect. It will be perceived by my despatch, No. 14,\* that, at that period, it had been contemplated to make them through the channel of the English mission at Washington. What may have led to a change in this respect, his lordship did not state, nor did I deem it material to inquire."

"It had occurred to him, he said, to make the proposals by sending me, accompanied by an official note, entire copies of all the treaties in question. They would best unfold the grounds and principles upon which a concert of action had already been settled by the states that were parties to them, and it was his intention to ask the accession of the United States upon grounds and principles that were similar. He added, that he would willingly receive my suggestions as to any other course that might strike me as better adapted to the object. I replied that none appeared to me more eligible, and that whenever he would enclose me the treaties, I would lose no time in transmitting them for the consideration of the President."

\* April 15, 1818.

"It naturally occurred to me, during our conversation, that the detached and distant situation of the United States, if not other causes, might call for a modification in some parts of these instruments, admitting that the broad principle of concert met approbation. His lordship upon this point was full in assurances that the British government would be happy to listen to whatever modifications the government of the United States might think fit to propose. Its anxious and only desire he said, was to see a convention formed that would prove free from all objection, and be conducive to the single and grand object to which both sides looked. He ended by expressing the belief which was felt, that the maritime co-operation of the United States would usefully contribute to the advancement of this great work of humanity."

"Nothing further passed necessary to the full understanding of the overture, beyond what the documents themselves and his lordship's note are calculated to afford. To these, I have therefore the honor to refer, as disclosing, in the most authentic and detailed manner, the whole views of the British government upon this interesting subject."

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*Lord Castlereagh to Mr. Rush.*

FOREIGN OFFICE,

*June 20th, 1818.*

SIR: The distinguished share which the government of the United States has, from the earliest period, borne in advancing the cause of abolition, makes the British government desirous of submitting to their favorable consideration whatever may appear to them calculated to bring about the final accomplishment of this great work of humanity.

The laudable anxiety with which you personally interest yourself in whatever is passing upon this important subject, will have led you to perceive, that, with the exception of the crown of Portugal, all European states have now either actually prohibited the traffic in slaves, to their subjects, or fixed an early period for its cessation, whilst Portugal has also renounced it to the north of the equator. From May, 1820, there will not be a flag, which *can legally* cover this detested traffic to the north of the line, and there is reason to hope, that the Portuguese may also ere long be prepared to abandon it to the south of the equator; but so long as some effectual concert is not established amongst the principal maritime powers, for preventing their respective flags from being made a cover for an illicit trade, there is too much reason to fear (whatever be the state of the law upon this subject) that the evil will continue to exist, and, in proportion as it assumes a contraband form, that it will be carried on under the most aggravating circumstances of cruelty and desolation.

It is from a deep conviction of this truth, founded upon experience, that the British government, in all its negotiations upon this subject, has endeavoured to combine a system of alliance for the suppression of this most abusive practice, with the engagements which it has succeeded in lately contracting with the governments of Spain and Portugal for the total or partial abolition of the slave trade. I have now the honor to enclose to you copies of the treaties which have been happily concluded with those powers, together with the acts which have recently passed the legislature for carrying the same into execution.

I have also the satisfaction to transmit to you a copy of a treaty which has been recently concluded with the king of the Netherlands, for the like purpose, though at too late a period in the session to admit of its provisions receiving the sanction of parliament. I am induced the more particularly to call your attention to this convention, as it contains certain provisions which are calculated to limit, in some respects, the powers mutually conceded by the former treaties, in a manner which, without essentially weakening their force, may render them more acceptable to the contracting parties.

The intimate knowledge which you possess of this whole subject, renders it unnecessary for me, in requesting you to bring these documents to the observation of your government, to accompany them with any more detailed explanation. What I have *earnestly* to beg of you, is to bring them under the serious consideration of the President; intimating to him the strong wish of the British government, that the exertions of the two states may be combined upon a somewhat similar principle, in order to put down this great moral disobedience, wherever it may be committed, to the laws of both countries. I am confident this cannot effectually be done, except by mutually conceding to each other's ships of war a qualified right of search, with a power of detaining the vessels of either state with slaves *actually on board*.

You will perceive, in these conventions, a studious, and, I trust, a successful attempt, to narrow and limit this power within due bounds, and to guard it against perversion. If the American government is disposed to enter into a similar concert, and can suggest any further regulations, the better to obviate abuse, this government will be most ready to listen to any suggestion of this nature; their only object being to contribute, by every effort in their power, to put an end to this disgraceful traffic.

I have the honor to be, with great truth,  
Sir, your most obedient humble servant,

CASTLEREAGH.

*Mr. Rush to Lord Castlereagh.*

LONDON, June 23, 1818.

MY LORD: I have been honored with your lordship's note of the twentieth of this month, enclosing copies of treaties recently concluded between this government and the governments of Portugal, Spain, and the Netherlands, respectively, in relation to the slave trade, and designed to draw the attention of the government of the United States to this subject, with a view to its co-operation upon principles similar to those held out in these treaties, in measures that may tend to the more complete and universal abolition of the traffic.

The United States from an early day of their history have regarded with deep and uniform abhorrence the existence of a traffic attended by such complications of misery and guilt. Its transcendent evils roused throughout all ranks a corresponding zeal for their extirpation. One step followed another, until humanity triumphed, and against its continuance, under any shape, by its own citizens, the most absolute prohibitions of their code have, for a period of more than ten years, been rigorously, and, it is hoped, beneficially levelled. Your lordship will pardon me this allusion to the earnest efforts of the United States to put down the traffic within their own limits, falling in, as it merely does, with the tribute which you have been pleased to pay to their early exertions, in helping to dry up this prolific source of human woe.

Whether any causes may throw obstacles in the way of their uniting in that concert of external measures, in which Europe generally, and this nation in particular, are now so happily engaged the more effectually to banish from the world this great enormity, I dare not, in the total absence of all instructions, presume to intimate, much less, have I any opinion of my own to offer upon a subject so full of delicacy and interest. But it is still left to me to say, that I shall perform a duty peculiarly gratifying, in transmitting, by the earliest opportunities, copies of your lordship's note, with the documents which accompanied it, to my government, and I sufficiently know the permanent sensibility which pervades all its councils upon this subject, to promise that the overture, which the former embraces, will receive from the President the full and anxious consideration due to its importance, and, above all, to the enlarged philanthropy on the part of this government, by which it has been dictated.

I have the honor to be,

With the highest consideration,

Your lordship's obedient faithful servant,

RICHARD RUSH.



*Extract of a letter from the Secretary of State to Messrs. Gallatin and Rush, dated*

DEPARTMENT OF STATE,

November 2, 1818.

**"SLAVE TRADE.**

"The President desires that you would make known to the British government his sensibility to the friendly spirit of confidence with which the treaties lately contracted by Great Britain with Spain, Portugal, and the Netherlands, and the legislative measures of parliament founded upon them, have been communicated to this government, and the invitation to the United States to join in the same or similar arrangements, has been given. He wishes you also to give the strongest assurances that the solicitude of the United States for the accomplishment of the common object, the total and final abolition of that odious traffic, continues with all the earnestness which has so long and so steadily distinguished the course of their policy in relation to it. As an evidence of this earnestness he requests you to communicate to them a copy of the act of Congress of the last session, in addition to the act of 1807, to prohibit the importation of slaves into the United States; (acts of the last session chap. 86, p. 81;) and to declare the readiness of this government, within their constitutional powers, to adopt any further measures, which experience may prove to be necessary for the purpose of attaining so desirable an end.

"But you will observe that in examining the provisions of the treaties communicated by lord Castlereagh, all their essential articles appear to be of a character not adaptable to the institutions or to the circumstances of the United States.

"The power agreed to be reciprocally given to the officers of the ships of war of either party, to enter, search, capture, and carry into port for adjudication, the merchant vessels of the other, however qualified and restricted, is most essentially connected with the institution by each treaty, of two mixed courts, one of which to reside in the external or colonial possessions of each of the two parties respectively. This part of the system is indispensable to give it that character of reciprocity, without which the right granted to the armed ships of one nation to search the merchant vessels of another, would be rather a mark of vassalage than of independence. But to this part of the system, the United States, having no colonies either on the coast of Africa or in the West Indies, cannot give effect.

"You will add, that, by the constitution of the United States, it is provided, the judicial power of the United States shall be vested in a supreme court, and in such inferior courts as the Congress may, from time to time, ordain and establish. It provides that the judges of these courts shall hold their offices during good behavior; and that they shall be removable by impeachment and conviction of crimes or misdemeanors. There may be some doubt whether the power of the



government of the United States is competent to institute a court for carrying into execution their penal statutes beyond the territories of the United States—a court consisting partly of foreign judges, not amenable to impeachment for corruption, and deciding upon the statutes of the United States without appeal.

“ That the disposal of the negroes found on board the slave trading vessels which might be condemned by the sentence of these mixed courts cannot be carried into effect by the United States—for, if the slaves of a vessel condemned by the mixed court should be delivered over to the government of the United States as freemen, they could not, but by their own consent, be employed as servants or free laborers. The condition of the blacks being in this union regulated by the municipal laws of the separate states, the government of the United States can neither guarantee their liberty in the states where they could only be received as slaves, nor control them in the states where they would be recognized as free.

“ That the admission of a right in the officers of foreign ships of war to enter and search the vessels of the United States, in time of peace, under any circumstances whatever, would meet with universal repugnance in the public opinion of this country—that there would be no prospect of a ratification, by advice and consent of the senate, to any stipulation of that nature—that the search by foreign officers, even in time of war, is so obnoxious to the feelings and recollections of this country, that nothing could reconcile them to the extension of it, however qualified or restricted, to a time of peace—and that it would be viewed in a still more aggravated light, if, as in the treaty with the Netherlands, connected with a formal admission that even vessels under convoy of ships of war of their own nation, should be liable to search by the ships of war of another.

“ You will, therefore, express the regret of the President that the stipulations in the treaties communicated by lord Castlereagh are of a character to which the peculiar situation and institutions of the United States do not permit them to accede. The constitutional objection may be the more readily understood by the British cabinet, if they are reminded that it was an obstacle proceeding from the same principle which prevented Great Britain from becoming, formally, a party to the holy alliance. Neither can they be at a loss to perceive the embarrassment under which we should be placed by receiving cargoes of African negroes, and be bound at once to guarantee their liberty, and to employ them as servants. Whether they will be as ready to enter into our feelings with regard to the search by foreign navy lieutenants, of vessels under convoy of our own navy commanders, is, perhaps, of no material importance. The other reasons are presumed to be amply sufficient to convince them, that the motives for declining this overture are compatible with an earnest wish that the measures concerted by these treaties may prove successful in extirpating that root of numberless evils, the traffic in human blood, and with the determination to co-operate, to the utmost extent of our powers, in this great vindication of the sacred rights of humanity.”

*Copy of a letter from Mr. Rush to Lord Castlereagh, dated*

LONDON, December 21, 1818.

The undersigned, envoy extraordinary and minister plenipotentiary from the United States, has the honor to present his compliments to Lord Castlereagh.

In the note of the twenty third of June, which the undersigned had the honor to address to his lordship, in answer to his lordship's communication of the twentieth of the same month, relative to the slave trade, the undersigned had great pleasure in giving the assurance that he would transmit a copy of that communication to his government; together with the documents which accompanied it, being copies of treaties entered into on the part of Great Britain, with Spain, Portugal, and the Netherlands, for the more complete abolition of the odious traffic in slaves. He accordingly lost no time in fulfilling that duty, and has now the honor to inform his lordship of the instructions with which he has been furnished by his government in reply.

He has been distinctly commanded, in the first place, to make known the sensibility of the President to the friendly spirit of confidence in which these treaties, and the legislative measures of parliament founded upon them, have been communicated to the United States, and to the invitation which has been given, that they would join in the same or similar arrangements, the more effectually to accomplish the beneficent object to which they look. He is further commanded to give the strongest assurances, that the solicitude of the United States for the universal extirpation of this traffic continues with all the earnestness which has so long and steadily distinguished the course of their policy in relation to it. Of their general prohibitory law of 1807, it is unnecessary that the undersigned should speak, his lordship being already apprized of its provisions; amongst which the authority to employ the national force, as auxiliary to its execution, will not have escaped attention. But he has it in charge to make known, as a new pledge of their unremitting and active desire in the cause of abolition, that so lately as the month of April last, another act of Congress was passed, by which not only are the citizens and vessels of the United States interdicted from carrying on, or being in any way engaged in the trade, but in which also the best precautions that legislative enactments can devise, or their penalties enforce, are raised up against the introduction into their territories of slaves from abroad, under whatever pretext attempted; and especially from dominions which lie more immediately in their neighbourhood. A copy of this act is herewith enclosed for the more particular information of his lordship. That peculiarity in the eighth section, which throws upon a defendant the labour of proof, as the condition of acquittal, the undersigned persuades himself will be regarded as signally manifesting an anxiety to suppress the hateful offence; departing, as it does, from the analogy of criminal jurisprudence, which so generally requires the independent and positive

establishment of guilt as the first step in every public prosecution. To measures of such a character, thus early adopted, and sedulously pursued, the undersigned is further commanded to say, That the government of the United States, acting within the pale of its constitutional powers, will always be ready to superadd any others that experience may prove to be necessary for attaining the desirable end in view.

But, on examining the provisions of the treaties, which your lordship honored the undersigned by communicating, it has appeared to the President, that their essential articles are of a character not adapted to the circumstances or to the institutions of the United States.

The powers agreed to be given to the ships of war, of either party, to search, capture, and carry into port for adjudication, the merchant vessels of the other, however qualified, is connected with the establishment, by each treaty, of two mixed courts, one of which is to have its seat in the colonial possessions of the parties respectively. The institution of such tribunals is necessarily regarded as fundamental to the whole arrangement; whilst their peculiar structure is doubtless intended, and would seem to be, indispensable towards imparting to it a just reciprocity. But to this part of the system, the United States, having no colonies upon the coast of Africa, in the West Indies, or elsewhere, cannot give effect.

Moreover, the powers of government in the United States, whilst they can only be exercised within the grants, are also subject to the restriction of the federal constitution. By the latter instrument, all judicial power is to be vested in a supreme court, and in such other inferior courts as Congress may, from time to time, ordain and establish. It further provides, that the judges of these courts shall hold their offices during good behaviour, and be removable on impeachment and conviction of crimes and misdemeanors. There are serious doubts whether, obeying the spirit of these injunctions, the government of the United States would be competent to appear as party to the institution of a court for carrying into execution their penal statutes in places out of their own territory—a court consisting partly of foreign judges, not liable to impeachment under the authority of the United States, and deciding upon their statutes without appeal.

Again. Obstacles would exist towards giving validity to the disposal of the negroes found on board the slave-trading vessels condemned by the sentence of the mixed courts. If they should be delivered over to the government of the United States as freemen, they could not but by their own consent be employed as servants, or free laborers. The condition of negroes, and other people of color, in the United States, being regulated by the municipal laws of the separate states, the government of the former could neither guarantee their liberty in the states where they could only be received as slaves, nor control them in the states where they would be recognized as

free. The provisions of the fifth section of the act of Congress, which the undersigned has the honor to enclose, will be seen to point to this obstacle, and may be taken as still further explanatory of its nature.

These are some of the principal reasons which arrest the assent of the President to the very frank and friendly overture contained in your lordship's communication. Having their foundation in Constitutional impediments, the government of his Britannic Majesty will know how to appreciate their force. It will be seen how compatible they are with the most earnest wishes on the part of the United States, that the measures concerted by these treaties may bring about the total downfall of the traffic in human blood; and with their determination to co-operate, to the utmost extent of their constitutional power, towards this great consummation, so imperiously due at the hands of all nations to the past wrongs and sufferings of Africa.

The undersigned prays Lord Castlereagh to accept the assurances of his distinguished consideration.

RICHARD RUSH.

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*Mr. Rush to the Secretary of State.*

EXTRACT.

LONDON, March 5, 1819.

"Lord Castlereagh sent me a few days ago the enclosed printed parliamentary document. It will be found to comprise a variety of interesting papers relating to the slave trade, exhibiting all that has lately been done by the powers of Europe upon the subject, and the actual and precise footing upon which it now stands. Its receipt was the first notice that I had in any shape of the fact of the publication, or of there being any intention to publish my notes to this government of the twenty-third of June and twenty-first of December. It will be seen from one of the papers, how unequivocal and animated has been the refusal of France to allow her vessels to be boarded and searched at sea for slaves. Now, there is nothing more evident, as may be collected from my despatch of the fifteenth of last April, than that this is a result, which, at that period, lord Castlereagh did not anticipate. Nevertheless, it would seem, from a passage in his lordship's letter to lord Bathurst, from Paris, dated the 10th of December, the last paper in the collection, and written subsequently to all the conferences and declarations at Aix la Chapelle, that he still indulges a sanguine expectation, that "the French government may be brought, at no distant period, to unite their naval exertions with those of the other allied powers, for the suppression of the trade." Some of the evidence furnished by the African society in London and from Sierra Leone, as to the extent in which the trade continues to



be unlawfully carried on, may probably command attention in the United States.

“What communications may, at any former periods, have been made to the government of the United States, by the government of France, Russia, or Prussia, through any channel, either in Europe, or at Washington, of their intentions in regard to this naval combination for putting down the traffic, I am not informed. It is impossible to refrain from remarking, that to me they remained utterly unknown, until I saw them recorded in these pages of a document given to the world by England.”

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*Extract of a Letter from Mr. Rush, to the Secretary of State, dated*  
LONDON, November 10, 1819.

“On the seventh of this month, I received a note from Lord Castlereagh, requesting that I would call upon him at his house on the ninth. I waited upon him at the hour appointed.

“His object, he stated, was to say to me, that the government of Great Britain had lost none of its anxiety to see produced among nations a more universal and effective co-operation than had yet been witnessed, for the total abolition of the slave trade. It was still carried on, he observed, to an extent that was afflicting. In some respects, as the evidence collected by the African Institution, and from other sources, would show, the voyages were marked by more than all their original outrages upon humanity. It was the intention of the Prince Regent again to invite the United States to negotiate upon the subject, in the hope, notwithstanding what had heretofore passed, that some practicable mode might still be adopted, by which they could consent to become party to the association for finally extirpating the traffic. That I was aware of the addresses which had been presented to his Royal Highness, by both houses of Parliament at the close of the last session, for the renewal of negotiations with the governments both of the United States and France, to effectuate this most desirable end—That it was his Lordship’s design to enclose to me, at an early day, copies of these addresses, as a foundation upon which to build in the new endeavor which this government was now prepared to make. In doing so, his object, however, merely would be, that of bespeaking my interposition towards making known to the President the measure contemplated; since it was intended that all further negotiation should be carried on at Washington. This he thought indispensable, after the past failure, as it could not be supposed, that I was prepared with any new authority or instructions to resume it upon this side of the water—That the new minister, Mr. Canning, who, his lordship now informed me, was to sail as early in the spring as practicable, would accordingly have the whole subject



in charge, and be prepared to enter upon it on his arrival, under ardent hopes for an auspicious termination to his labors.

“I replied, that I would, in the same spirit as before, make known the communication to my government. I adverted again to the obstacles which the Constitution of the United States interposed to the project; and also to the peculiar and extreme caution with which the momentous question of search mingled with it would be looked at throughout every part of the country. I said, that these reasons superadded themselves to that derived from the failure of the attempt already made here, to give great propriety, as it struck me, to a change of the scene of negotiation—That if any thing could be done, it could be done only, or at all events be done best, at Washington—That the President, I was sure, continued to possess all his original sensibility to the importance of the subject, and would entertain any proposals, differently modified, that were submitted, with the same anxious dispositions as ever, for a favorable result to their objects.

“The conversation went off by a reference on my part to the Holy League. I remarked, that, as the government of Great Britain had declared, that the principles of that league had its entire approbation, although it had not formally become a party to it, so the United States, acting within their Constitutional limits, had long and earnestly striven, and would, it might be confidently affirmed, though restrained from going hand in hand with Europe, always continue their efforts in the same beneficent spirit, for putting down totally the slave trade. It is well known that the Earl of Liverpool, not longer ago than last February, described, in the house of Peers, the character of this league, as well as the insurmountable impediment which held back this country from signing it. He distinctly declared, that, as the signatures were all in the autograph of the respective sovereigns, England, in point of form, could never accede to it; for it was not consistent with her Constitution, that the Prince Regent should himself sign such an instrument, without the intervention of a responsible minister. Upon my reminding Lord Castlereagh of this declaration, which I was the more ready to do, since it was your wish that the illustration should be brought into view, he candidly admitted, that we too, doubtless, had our constitutional embarrassments; but he nevertheless hoped, that such, and all others, might, by proper modifications of the plan, be overcome.”

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*Mr. Canning to the Secretary of State.*

The undersigned, his Britannic Majesty's envoy extraordinary and minister plenipotentiary, took an early opportunity, after his arrival in the City of Washington, to inform Mr. Adams that, in pursuance

of Lord Castlereagh's note, dated the 11th November, 1819, communicating to Mr. Rush an address of both houses of parliament, relating to the African slave trade, he was instructed to bring that important question again under the consideration of the American government, in the hope of being found practicable so to combine the preventive measures of the two countries as materially to accelerate the total extinction of an evil which both have long united in condemning and opposing.

Mr. Adams will find no difficulty in recollecting the several conversations which have passed between him and the undersigned on this subject; he will remember that the last of those conversations, which took place towards the close of October, was terminated with an assurance on his part that the proposals of the English government would be taken into full deliberation as soon after the meeting of Congress as the state of public business would allow, with a sincere disposition to remove any impediments which appeared at first sight to stand in the way of their acceptance.

An interval of considerable length having elapsed since that period, the undersigned is persuaded that Mr. Adams will shortly be at liberty to communicate the definitive sentiments of his government on a subject which is of too deep and too general an importance not to engage the attention and benevolent feelings of the United States.

In this persuasion the undersigned conceives it unnecessary, on the present occasion, to go over the various grounds which formed the matter of his late conversations with Mr. Adams.

Notwithstanding all that has been done, on both sides of the Atlantic, for the suppression of the African slave trade, it is notorious that an illicit commerce, attended with aggravated sufferings to its unhappy victims, is still carried on; and it is generally acknowledged that a combined system of maritime police can alone afford the means of putting it down with effect.

That concurrence of principle in the condemnation and prohibition of the slave trade, which has so honorably distinguished the Parliament of Great Britain and the Congress of the United States, seems naturally and unavoidably to lead to a concert of measures between the two governments, the moment that such co-operation is recognized as necessary for the accomplishment of their mutual purpose. It cannot be anticipated that either of the parties, discouraged by such difficulties as are inseparable from all human transactions of any magnitude, will be contented to acquiesce in the continuance of a practice so flagrantly immoral, especially at the present favorable period, when the slave trade is completely abolished to the north of the Equator, and countenanced by Portugal alone to the south of that line.

Mr. Adams is fully acquainted with the particular measures recommended by his Majesty's ministers as best calculated, in their opinion, to attain the object which both parties have in view; but he need not be reminded that the English government is too sincere in

the pursuit of that common object to press the adoption of its own proposals, however satisfactory in themselves, to the exclusion of any suggestions equally conducive to the same end, and more agreeable to the institutions or prevailing opinion of other nations.

The undersigned embraces this opportunity to offer Mr. Adams the assurance of his high consideration.

STRATFORD CANNING.

*Washington, December 20, 1820.*

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*The Secretary of State to Mr. Canning.*

DEPARTMENT OF STATE,

*Washington, December 30, 1820.*

SIR: I have had the honor of receiving your note of the 20th inst. in reply to which, I am directed by the President of the United States to inform you, that, conformably to the assurances given you in the conversation to which you refer, the proposals made by your government to the United States, inviting their accession to the arrangements contained in certain treaties with Spain, Portugal, and the Netherlands, to which Great Britain is the reciprocal contracting party, have again been taken into the most serious deliberation of the President, with an anxious desire of contributing, to the utmost extent of the powers within the competency of this government, and by means compatible with its duties to the rights of its own citizens, and with the principles of its national independence, to the effectual and final suppression of the African slave trade.

At an earlier period of the communications between the two governments upon this subject, the President, in manifesting his sensibility to the amicable spirit of confidence with which the measures, concerted between Great Britain and some of her European allies, had been made known to the United States, and to the free and candid offer of admitting the United States to a participation in these measures, had instructed the Minister of the United States residing near your government to represent the difficulties resulting as well from certain principles of international law, of the deepest and most painful interest to these United States, as, from limitations of authority prescribed by the people of the United States to the legislative and executive depositaries of the national power, which placed him under the necessity of declining the proposal. It had been stated that a compact, giving the power to the naval officers of one nation to search the merchant vessels of another for offenders and offences against the laws of the latter, backed by a further power to seize and carry into a foreign port, and there subject to the decision of a tribunal composed of at least one half foreigners, irresponsible to the su-

preme corrective tribunal of this Union, and not amenable to the control of impeachment for official misdemeanor, was an investment of power over the persons, property, and reputation, of the citizens of this country, not only unwarranted by any delegation of sovereign power to the national government, but so adverse to the elementary principles and indispensable securities of individual rights, interwoven in all the political institutions of this country, that not even the most unqualified approbation of the ends to which this organization of authority was adapted, nor the most sincere and earnest wish to concur in every suitable expedient for their accomplishment, could reconcile it to the sentiments or the principles of which, in the estimation of the people and government of the United States, no consideration whatsoever could justify the transgression.

In the several conferences which, since your arrival here, I have had the honor of holding with you, and in which this subject has been fully and freely discussed between us, the incompetency of the power of this government to become a party to the institution of tribunals, organized like those stipulated in the conventions above noticed, and the incompatibility of such tribunals with the essential character of the constitutional rights guaranteed to every citizen of the Union, has been shewn by direct references to the fundamental principles of our government, in which the supreme unlimited sovereign power is considered as inherent in the whole body of its people, while its delegations are limited and restricted by the terms of the instruments sanctioned by them, under which the powers of legislation, judgment, and execution, are administered; and by special indications of the articles in the constitution of the United States, which expressly prohibit their constituted authorities from erecting any judicial courts by the forms of process belonging to which American citizens should be called to answer for any penal offence, without the intervention of a grand jury to accuse, and of a jury of trial to decide upon the charge.

But, while regretting that the character of the organized means of co-operation for the suppression of the African slave trade, proposed by Great Britain, did not admit of our concurrence in the adoption of them, the President has been far from the disposition to reject or discountenance the general proposition of concerted co-operation with Great Britain, to the accomplishment of the common end, the suppression of the trade. For this purpose armed cruisers of the United States have been for some time kept stationed on the coast which is the scene of this odious traffic; a measure which it is in the contemplation of this government to continue without intermission. As there are armed British vessels, charged with the same duty, constantly kept cruising on the same coast, I am directed by the President to propose that instructions, to be concerted between the two governments, with a view to mutual assistance, should be given to the commanders of the vessels respectively assigned to that service; that they may be ordered, whenever the occasion may render it convenient, to cruise in company together, to communicate mutually to each other all information obtained by the one, and which may be



useful to the execution of the duties of the other, and to give each other every assistance which may be compatible with the performance of their own service, and adapted to the end which is the common aim of both parties.

These measures, congenial to the spirit which has so long and so steadily marked the policy of the United States, in the vindication of the rights of humanity, will, it is hoped, prove effectual to the purposes for which this co-operation is desired by your government, and to which this Union will continue to direct its most strenuous and persevering exertions.

I pray you, sir, to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

The right honorable STRATFORD CANNING,  
Envoy Extraordinary and Minister Plenipoten-  
tiary from Great Britain.